PART IV

Section 1-C (i)

STATUTORY RULES AND NOTIFICATIONS ISSUED BY THE CENTRAL GOVERNMENT AND REPUBLISHED BY THIS GOVERNMENT

NOTIFICATION.

No. CI 47 IEI 62, dated Bangalore, the 11th January 1963 (Pushya 21, Saka Era 1884)

Ordered that the accompanying Export (Control) Order, 1962, dated 10th October 1962 of the Ministry of Commerce and Industry, Government of India be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

K. SESHADRI IYENGAR,
237 *Under Secy. to Govt., C & I Dept.*

GOVERNMENT OF INDIA

MINISTRY OF COMMERCE AND INDUSTRY

EXPORT (CONTROL) ORDER, 1962.

New Delhi, the 10th October 1962.

S O 3126 —In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following Order, namely —

ORDER

1. Short title and commencement.—(1) This Order may be called the Exports (Control) Order, 1962

(2) It shall come into force at once.

2. Definitions—In this Order unless the context otherwise requires—

(*a*) "Act" means the Imports and Exports (Control) Act, 1947 (18 of 1947),

(*b*) "Chief Controller of Imports and Exports" includes a Joint Chief Controller of Imports and Exports, a Deputy Chief Controller of Imports and Exports and an Export Trade Controller,

(*c*) "Licensee" means a person to whom a licence is granted under this Order,

(*d*) "Licensing authority" means an authority competent to grant a licence under this Order, and

(*e*) "Schedule" means a schedule to this Order

3 Restriction on export of certain goods.—Save as otherwise provided in this Order, no person shall export any goods of the description specified in Schedule I, except under and in accordance with a licence granted by the Central Government or by any officer specified in Schedule II Any item not specified in Schedule I (Parts A & B) may be exported freely without an export licence

4. Applications for licence.—(1) An application for a licence shall be made to the Chief Controller of Imports and Exports or to any officer authorised by him in this behalf.

(2) Every such application shall be accompanied by a fee as indicated in Schedule III

Provided that no fee shall be payable in respect of an application for a licence for the export of the following classes of goods, namely —

(a) goods exported by or on behalf of the Central Government or any State Government or any Department of such Central Government or State Government,

(b) goods exported by any foreign Mission in India,

(c) goods exported for the use of the staff employed in any Indian Embassy, Legation or other Mission abroad,

(d) goods exported by means of a postal parcel,

(e) goods specified below —

(i) Handloom cloth,

(ii) Lac (excluding brood lac and any lac containing living insects),

(f) personal effects of passengers, and

(g) goods exported for any non-commercial purpose.

5 Conditions of licence.—(1) A licence granted under this Order may contain such conditions, not inconsistent with the Act or this Order, as the licensing authority may deem fit.

(2) It shall be deemed to be a condition of every licence—

(a) that the licensee shall not, except with the permission in writing of the licensing authority or any person authorised by it in this behalf, transfer the licence,

(b) that the goods for the export of which the licence is granted shall be the property of the licensee at the time of the export.

(3) The licensee shall comply with all conditions imposed or deemed to be imposed under this clause.

6. Refusal of licence.—The Central Government or the Chief Controller of Imports and Exports may refuse to grant a licence or direct any other licensing authority not to grant a licence —

(a) if the application for the licence does not conform to any provision of this Order,

(b) if such application contains any false or fraudulent or misleading statement,

(c) if the applicant uses in support of the application any document which is false or fabricated or which has been tampered with,

(d) if the applicant on any occasion has tampered with an export licence or has exported goods without a licence where it is necessary, or has been a party to any corrupt or fraudulent practice in his commercial dealings,

(e) if the application for an export licence is defective and does not conform to the prescribed rules,

(f) if the applicant commits a breach of the Export Trade Control Regulations,

(g) if the applicant is not eligible for a licence in accordance with the Export Trade Control Regulations,

(h) if the licensing authority decides to canalize exports through special or specialized agencies or channels,

(i) if the applicant is a partner in a partnership firm, or a director of a private limited company, which is for the time being subject to any action under clause 8,

(j) if the applicant is a partnership firm or a private limited company, any partner or director whereof, as the case may be, is for the time being subject to any action under clause 8.

7. Amendment of licence —The licensing authority may, of its own motion or on application by the licensee, amend any licence granted under this Order in such manner as may be necessary to make such licence conform to the provisions of the Act or this Order or any other law for the time being in force or to rectify any errors or omissions in the licence

Provided that the licensing authority may, on request by the licensee, amend the licence in any manner consonant with the Export Trade Control Regulations

Provided further that no action shall be taken under this clause unless the licensee has been given a reasonable opportunity of being heard

8 Power to suspend issue of licences or to debar a licensee from receiving licences —The Central Government or the Chief Controller of Imports and Exports may suspend the issue of licences to a licensee/exporter or direct, without prejudice to any other action which may be taken in this behalf, that no licence shall be granted to him for a specified period under this order —

(a) if the application for such licence is at any time found to be not in conformity with any provision of this Order

(b) if such application is found to contain any false, fraudulent or misleading statement ,

(c) if the licensee/exporter is found to have used in support of the application any document which is false or fabricated or which has been tampered with ,

(d) if the licensee/exporter has on any occasion tampered with an export licence or has exported goods without a licence, where it is necessary, or has been a party to any corrupt or fraudulen practice in his commercial dealings ,

(e) if the licensee/exporter fails to comply with or contravenes any conditions embodied in, or accompanying, a licence or an application for a licence ,

(f) if the licensing authority proposes to take action against the licensee for a breach of any of the conditions of the licence or of any law, rules or regulations relating to customs or the import and export of goods or of any law relating to the regulation of foreign exchange

Provided that no action shall be taken under this clause unless the licensee/exporter has been given a reasonable opportunity of being heard.

9 Cancellation of licences —The Central Government or the Chief Controller of Imports and Exports or any other officer authorised in this behalf may cancel any licence granted under this Order or otherwise render it ineffective in any of the following circumstances, namely —

(a) when the licence has been granted through mistake or has been obtained by fraud or misrepresentation,

(b) when the licence has been granted contrary to the provisions of this Order,

(c) when the licensee has committed a breach of any of the conditions of the licence,

(d) when the licensee has committed a breach of any law relating to customs or the import or export of goods or of any law relating to the regulation of foreign exchange

Provided that no action shall be taken under this clause unless the licensee has been given a reasonable opportunity of being heard

Provided further that notwithstanding anything contained in this Order, the Central Government or the Chief Controller of Imports and Exports or any other officer authorised in this behalf, if satisfied that it is expedient so to do in the public interest, may cancel any licence or render it ineffective without assigning any reason

10. Saving —Nothing in this Order shall apply to—

(a) any goods exported by or under the authority of the Central Government;

(b) any goods other than food-stuffs constituting the stores or equipment of any outgoing vessel or conveyance,

(c) any goods constituting the *bona fide* personal baggage of any person (including a passenger or a member of a crew in any outgoing vessel or conveyance) going out of India,

(d) any goods exported by post or by air under the conditions specified in Postal Notices issued by the Postal authorities,

(e) any goods exported in accordance with the terms of an Open General Licence specified in Schedule IV,

(f) any goods transhipped at a port in India after having been manifested for such transhipment at the time of despatch from a port outside India,

(g) any goods imported and bonded on arrival in India for re-export to any country outside India, except Nepal, Tibet, Bhutan and Portuguese Possessions in India,

(h) any goods in transit through India by post, or any goods redirected by post to a destination outside India, except Nepal, Tibet, Bhutan and Portuguese Possessions in India, provided that such goods while in India are always in the custody of the postal authorities,

(i) any goods imported without a valid import licence and exported in accordance with an order for the export of such goods made by an officer of customs authorised in this behalf.

11. Repeal—The Exports (Control) Order, 1958 published with the Order of the Government of India in the Ministry of Commerce and Industry under No S O 724, dated the 1st May 1958, as amended from time to time is hereby repealed

Provided that anything done or any action taken, including any appointment made or licence issued under any of the provisions of the above Order, shall be deemed to have been done or taken under the corresponding provision of this Order.

SCHEDULE I

(*See* Clause 3)

COMMODITIES SUBJECT TO EXPORT CONTROL

Part A—*Items export of which is not normally allowed.*

1 Metals, the following —

(i) Beryllium,
(ii) Iridium, iridosmine and osmiridium,
(iii) Lithium,
(iv) Neptunium,
(v) Plutonium,
(vi) Radium,
(vii) Thorium,
(viii) Uranium,
(ix) Zirconium.

2 Minerals, ores and concentrates, metals and their compounds, the following —

(a) (i) Beryl,
(ii) Radium ores and concentrates,
(iii) Thorium ores and concentrates,
(iv) Uranium ores and concentrates,
(v) Uranium bearing tailings left over from ores after extraction of copper or gold,
(vi) Zircon ores and concentrates including semi precious variety of zircon stones;
(vii) Some other minerals, containing the above substances as accessory ingredients including—
(a) Columbite,
(b) Monazite,
(c) Samarskite,
(d) Uraniferous allanite

(b) (i) Beryllium compounds,
(ii) Deutorium compounds,
(iii) Lithium compounds,
(iv) Neptunium compounds,
(v) Plutonium compounds.
(vi) Radium compounds,
(vii) Selenium,
(viii) Thorium compounds,
(ix) Uranium compounds,
(x) Zirconium compounds.

3. Oilseeds, non essential, the following —

(i) Castor seed,
(ii) Copra,
(iii) Cotton seed,
(iv) Linseed,

4. Seeds, other than oilseeds, the following —

(i) Green manure seeds,
(ii) Jute seeds,
(iii) Lemon grass seed and roots,
(iv) Mesta seed,
(v) Pepper cuttings or rooted cuttings of pepper,
(vi) Potato seed,
(vii) Russa grass seeds and tufts,
(viii) Seeds, stems and green roots of Rauwolfia Serpentina and other species of Rauwolfia,
(ix) Sun hemp seed,
(x) Rubber seed,
(xi) Cashewnut seed

5. Wheat and wheat flour

6. Wild life (dead or alive or part thereof or produce therefrom) —

(i) Asiatic Lion
(ii) Black Buck (White variety),
(iii) Brow-antlared deer,
(iv) Butterflies
(v) Clouded leopard,
(vi) Crocodiles,
(vii) Eastern Pangolin,
(viii) Four-horned antelope.
(ix) Golden Cat,
(x) Golden Langur,
(xi) Great Indian Bustard,
(xii) Hunting Leopard,
(xiii) Indian Gazelle,
(xiv) Indian Rhinoceroses,
(xv) Indian Swamp Deer,
(xvi) Jerdon's Courser,
(xvii) Kashmir Stag,
(xviii) Lesser Panda,
(xix) Marbled Cat,
(xx) Markhor,
(xxi) Moths larger than 75 mm ,
(xxii) Mountain Quail,
(xxiii) Pigmy Hog,
(xxiv) Pink-headed Duck,
(xxv) Snow leopard,

(xxvi) Spotted Lisang,
(xxvii) Tragopans,
(xxviii) Urial,
(xxix) White Tiger,
(xxx) White-Winged Wood Duck.

Part B—*Items export of which is allowed on merits, or subject to ceilings or other conditions to be specified from time to time*

1 Animals, the following —

(i) Cattle,
(ii) Monkeys,
(iii) Wild life, (dead or alive or part thereof or produce therefrom) excluding items specified in Part A.
(iv) Silk worms
(v) Fish spawns.

2 Coal and coke.

3. (i) Raw cotton and cotton waste,
(ii) Raw jute and mesta,
(iii) Raw silk and silk waste.

4 Nux vomica seeds

5 (i) Rice bran
(ii) Wheat bran

6. Bananas

7. Bones and Bone sinews,

8. Hides and Skins, raw, including cuttings, shavings, trimmings and fleshings

9 Grains, pulse and flour, other than wheat and wheat flour

10. Scrap of metals

11 Metallurgical residues *viz*, drosses, skimmings, slags, ashes slimes and flue dust other than those of silver

12 Minerals, ores and concentrates, the following —

(i) Bauxite,
(ii) Iron ores,
(iii) Manganese dioxide/peroxide,
(iv) Sillimanite,
(v) Chrome ore and concentrates,
(vi) Copper ores and concentrates
(vii) Lead ores and concentrates,

(viii) Tungsten (wolfram) ores and concentrates,
(ix) Zinc ores,
(x) Vanadium ores and concentrates,
(xi) Vanadium bearing iron ore,
(xii) Gypsum and anhydrite of gypsum

13. Oilcakes, the following —
(i) Coconut oilcake,
(ii) Groundnut oilcake (Expeller variety),
(iii) Linseed oilcake

14 (i) Groundnut seeds, H P S. groundnut kernel and H P S groundnut in shell
(ii) Mustard/rape seed.

15 Sea salt.

16 Textiles, the following —
(i) Apparel made from olive green cloth of scamic shade No 314
(ii) Handloom fabrics of the variety commonly known as "Bleeding Madras",
(iii) [Cotton piecegoods, exported to the United Kingdom]

17 Vegetables, the following —
(i) Onions,
(ii) Potatoes

18 Wood and timber

19 Raw Wool (Indigenous)

20 Arms, Ammunition and Military stores

21 Oils, mineral, all sorts, including crude oil, Kerosene, fuel oil, lubricating oils, greases, petrol, solvent oils, mineral turpentine, benzene

22 Aircraft and parts and accessories thereof.

23 Tapioca fibre and waste

24 Rock salt

25 Gums and rosins, the following —
Oleo-resin ex pinus longifolia

26 Creosote oil (light and heavy), Coal Tar and mixtures containing Coal Tar

27 Pyrethrum flowers

28 Metals, the following —
(i) Aluminium and aluminium alloys, unwrought
(ii) Bismuth,

(iii) Cadmium,
(iv) Cobalt, unwrought and wrought,
(v) Lithium,
(vi) Iron and Steel,
(vii) Lead, pig,
(viii) Magnesium and magnesium alloys,
(ix) Molybdenum
(x) Platinum crude and refined, platinum alloys,
(xi) Tin, unwrought and wrought, tin alloys, plates, sheets, discs, strips and circles,
(xii) Tungsten,
(xiii) Vanadium,
(xiv) Zinc or spelter, unwrought,
(xv) Nickel and nickel pellets

29 Cinematograph films, not exposed

30 Mustard oil/Rapeseed oil

31 Shellac and seed lac

SCHEDULE II

(*See* Clause 3)

Officers competent to grant a licence

1 The Chief Controller of Imports and Exports

2 A Joint Chief Controller of Imports and Exports

3 A Deputy Chief Controller of Imports and Exports

4 An Export Trade Controller

5 A Controller of Imports and Exports

6 An Assistant Controller/Section Officer in the Imports and Exports Trade Control Organisation

7 The Iron and Steel Controller

8 A Deputy Iron and Steel Controller.

9 An Assistant Iron and Steel Controller

10 A Superintendent/Assistant Collector of Central Excise

11 A Customs Collector

12 A Superintendent/Deputy Superintendent/Chauki Officer of Customs

SCHEDULE III

[*See* Clause 4(2)]

Table of Application Fee

Columns I & II below indicate the value of the goods specified in an application or grant of an export licence and the amount payable in each case, respectively,

Column I Value of goods	Column II Amount of fee payable in Rupees
(i) Less than Rs 500	Nil
(ii) Rs 500 to Rs 10,000	Rs 10
(iii) Above Rs 10,000 to Rs 1,00,000	Rs. 25
(iv) Above Rs. 1,00,000	Rs 100

SCHEDULE IV

[*See* Clause 10(e)]

Open General Licences

O.G L No. 1

Any person may export by land to any country adjacent to India and having no sea-board of its own, the following articles provided that they are intended for use or consumption in that country —

Any goods included in Schedule I which are consigned under a procedure prescribed for regulating transit traffic

O G L No. 2

Any person may export to any country except to a country to which export is prohibited by any law for the time being in force, the following goods, namely —

S No	Item	Item No in Schedule I to the Export (Control) Order, 1962
1	2	3
	Bona fide samples, the following —	
	(a) Samples of handloom fabrics of the variety commonly known as "bleeding Madras", not exceeding 150 yards in length and the value of which is below Rs 500	B-16 (ii)
	(b) Samples of all other kinds of value not exceeding Rs 125 excepting the following articles of food —	
	Grain, pulse and flour	B-9

O G L No. 3

Any person may export to Pakistan the following goods, namely —

S No	Item	Item No in Schedule I to the Exports (Control) Order, 1962
1	2	3
1	Potato seed	A-4(vi)
2	Vegetables, the following —	
	(i) Onions ...	B-17(i)
	(ii) Potatoes	B 17(ii)

[No 2-Export (5)/62]

B N ADARKAR, Jt Secy.

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